

Enrolling Clerk; A. B. Burleson, Sergeant-at-Arms, and Levi Pennington, Doorkeeper.

Mr. Gage introduced a bill to provide for the construction of the Mississippi and Pacific Railroad; read first time.

On motion of Mr. Taylor, the Senate adjourned until 9 o'clock to-morrow morning.

WEDNESDAY, November 9, 1853.

The Senate was called to order by the President pursuant to adjournment—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Armstrong presented the memorial of E. B. Barton, contesting the seat of Edwin B. Scarborough, and moved that said memorial be referred to the committee on Privileges and Elections; carried.

Mr. Weatherford offered the following resolution:

Resolved, That the Commissioner of the General Land Office be, and he is hereby requested to inform this body whether or no the Texas Emigration Land Company, or their trustees or agents, have filed in the Landoffice of the State, the release to the State, as required in "an act supplementary to an act relating to lands in Peters' Colony, approved February 10th, 1852," passed by the fourth Legislature at the Extra Session of 1853.

Mr. Armstrong introduced a bill to ascertain forfeited and escheated lands; read first time.

Mr. Armstrong introduced a bill to repeal the 90th and 91st sections of an act to regulate proceedings in the district courts; read first time.

ORDERS OF THE DAY.

A bill to provide for the construction of the Mississippi and Pacific Railroad; read second time, and, on motion of Mr. Taylor, referred to the committee on Internal Improvements, and two hundred copies ordered to be printed.

Resolution relative to the election of Chaplain; read, and adopted by the following vote:

YEAS—Messrs. Allen, Bryan, Durst, Edwards, Guinn, Hill, Holland, Jowers, Kyle, Lott, Martin, Millican, Newman, Potter, Scarborough, Scott, Taylor and Whitaker—18.

NAYS—Messrs. Armstrong, Burks, Doane, Gage, Hart, McAnelly, McDade, Paschal, Sublett, Superviele and Weatherford—11.

Nominations being in order, Mr. Holland nominated the Rev. John W. Phillips.

The ballot being taken, Mr. Phillips received nineteen votes ; Mr. Smith two votes.

Mr. Phillips having received a majority of all the votes, was declared elected.

Mr. Sublett presented the following communication :

AUSTIN, November 9, 1853.

To the Hon. Senate of the State of Texas :

GENTLEMEN: I am directed by Milam Lodge, No. 23, I. O. O. F., of the City of Austin, to tender to you the use of their new hall on Pecan street, until the new Capitol shall be ready for your reception.

Respectfully,

S. G. HAYNIE, Secretary.

On motion of Mr. Bryan, said communication was referred to the committee on Public Buildings.

The motion of Mr. Lott, that the Doorkeeper be authorized to employ some person to assist him, provided the same does not exceed the sum of dollars per day : read.

Mr. Lott moved to fill the blank with three ; Mr. McAnelly moved to fill it with one.

The motion to fill the blank with three carried.

The motion was then carried by the following vote :

YEAS.—Messrs. Durst, Gage, Guinn, Hart, Hill, Holland, Kyle, Lott, Martin, Millican, Newman, Scarborough, Scott, Taylor and Whitaker—15.

NAYS—Messrs. Allen, Armstrong, Bryan, Burks, Doane, Edwards, Jowers, McAnelly, McDade, Paschal, Potter, Sublett, Superviele and Weatherford—14.

On motion of Mr. Bryan, the committee on Public Buildings were instructed to inquire into the condition of the new capitol, and report.

On motion of Mr. Kyle, the Senate took a recess until 11 o'clock.

Recess having expired, the Senate was called to order—roll called—quorum present.

On motion of Mr. Gage, the Senate concurred in the amendment of the House to the resolution of the Senate, concerning the election of a Public Printer.

On motion of Mr. Lott, the Senate repaired to the House of Representatives, in accordance with their invitation, for the purpose of hearing the Governor's Message read.

The Message of the Governor was read, and is as follows :

GOVERNOR'S MESSAGE.

EXECUTIVE DEPARTMENT, STATE OF TEXAS, }
Austin, November 9, 1853. }

Gentlemen of the Senate and House of Representatives :

It affords me much gratification to be enabled to felicitate the Representatives of the people and our fellow-citizens at large upon the happy auspices under which you have assembled in the discharge of your constitutional duties. It is now seventeen years since Texas achieved her position as an independent power ; and eight years have passed away since she voluntarily yielded her nationality in order to identify her fortunes with the great American Union. At no period of her eventful and interesting history, either prior or subsequent to the transfer, has her government and citizens possessed such abundant cause for congratulation.

A reference to the past is not deemed inappropriate.

The noble effort of the small patriotic band directed to the establishment and perfection of free civil institutions over this highly favored nation of the earth, though retarded and well nigh foiled for a series of years, are now awarded everywhere a just consideration. The grand political drama in which they were engaged having closed so brilliantly, followed by a train of results the most astonishing on the pages of history, I am satisfied, and feel a just pride in the conviction that the participants in the great measures which wrought these important issues, derive more satisfaction from the belief that their voluntary sacrifices and labors have secured inestimable blessings to those who are to secure them, than from any hope, or selfish desire, to obtain immediate rewards commensurate with those sacrifices and labors. Their example will stand forth in all time to come, a beacon light and a hope to the oppressed of every land.

If the experiment of revolution was successful, and fraught with consequences that have excited the interest, wonder and

admiration of old and well established powers, our probationary term as a State of the Union has not been less fortunate. Possessing a geographical superfice of nearly 275,000 square miles, much the greater portion of which contains, in an eminent degree, all the essential elements for sustaining a dense population, and with a salubrity of climate rarely surpassed, the diversified production of the most favored country will here reward the husbandman; while the laborer, the mechanic, the artisan and the enterprising man already find a rich field for the pursuit of their respective vocations. A population numbering, at the lowest estimate, two hundred thousand; intelligent, industrious and law abiding; with a sweeping tide of immigration from the old world and from the sister States; many of whom bring with them to their new homes the ability, intelligence and sound political and social principles necessary to constitute them truly valuable acquisitions, will in a few years give us enviable rank among our older sisters.

Superadd to this our settled policy and ability to discharge at once, and in good faith our entire revolutionary debt, leaving thereafter a surplus for the education of the youth of the country and the developement of its vast agricultural and mineral resources, the question naturally presents itself—What country, in ancient or modern times ever acquired a territory of such magnitude and value, and the same amount of solid advantages?

In this regard Texas stands without a rival.

I may be permitted further to add, and I flatter myself with your hearty concurrence, that the physical strength acquired by our State, by the rapid accumulation of numbers, has not far outstripped the ratio of her moral elevation. The time when the name Texas was a by-word and a reproach, is yet fresh in your memories; when brigand, robber, murderer, refugee, were synonymes with Texas. But the judgment rendered by ignorance and malice has been reversed, and we now stand proudly before the world, “redeemed, regenerated, and disenthralled.”

You will pardon me, gentlemen, for these preliminary remarks, when I summons you to consider the proper deductions from them.

If we have passed successfully through revolution, and obtained a priceless trophy in the acquisition of this fair land,—if our country enjoys the blessings of peace, general health and prosperity,—if in proportion to our physical growth and industrial achievements, we likewise possess eminent religious ad-

vantages and greatly improved moral tendencies, it is because a kind and beneficent Creator has vouchsafed to us his fatherly kindness and mercies ; and in this connection, I desire you to unite with me, in all the sincerity of grateful hearts, in supplicating his aid, so that your deliberations and counsels may be conducted to a wise and successful termination.

In the brief enumeration of some of the advantages we possess, the mind is naturally led into a current of pleasant associations. This I must interrupt for a moment. Within the last few months the sable messenger—Death, has laid his hand heavily upon several of our Atlantic cities and towns, and others adjacent thereto, carrying desolation and woe amongst the habitations of our countrymen. In his insatiate progress he has swept over some of our own coast towns, claiming, as his victims, many of our most beloved and esteemed citizens. Duty and inclination alike call upon us to express our deep regret for the lamented dead ; and our heartfelt condolence with their surviving relatives and friends. Our especial thanks are due to the Almighty for his kind care and consideration in excluding the dreadful scourge from our inland towns and country. May his all-powerful arm stay this pestilence.

In the communication which I have the honor to address to the Legislature on the present occasion, it occurs to me, that it will be most consonant with your views, and equally subserve the public interest, to limit myself to subjects clearly of immediate and pressing importance. The various contingencies during my administration which gave rise to the necessity of convening the Legislative bodies, furnished the Executive with ample opportunities for elaborating his views and making recommendations upon the many prominent leading questions connected with our State affairs. To present these subjects again in full, would be but occupying ground previously assumed and unnecessarily consuming your time. It will be my main object, therefore, to endeavor to give a plain but explicit statement of the operations of the government since the last biennial session, not doubting but that the unfinished bills upon your tables, the various suggestions in my former message unacted upon, and the several recommendations contained in this communication, together with such local matters as your own judgments may suggest, will fully occupy your time, until the inauguration of my successor.

The subject of a railroad to the Pacific ocean, is one that is now engrossing the attention of every part of our widely spread Union. To none is its location fraught with more important

consequences than to our own State, and I therefore again, briefly, but most earnestly, recommend it to your serious consideration.

The General Government has so far recognised this measure as one of national importance and necessity, as to make an appropriation for the survey of three distinct routes, with the view of ascertaining that which is most advantageous and practicable. The survey of some of these routes has not yet been completed. It is believed, however, that enough is known, derived from the investigations thus far made, to satisfy the public mind that a southern route recommends itself to general favor by every consideration of national advantage. It is a matter of serious regret that the route leading from the Mississippi river through Texas, should not have been selected as one of those to be surveyed and reported on to the next Congress.

The omission to cause a reconnoissance to be made in a more southern parallel, has been construed by many as having its origin in the existence of an undue bias, entertained by the present Administration for a more northern route. In this opinion I do not concur, being satisfied that when the time for action arrives, it will be found assuming patriotic and purely national ground.

From my own knowledge of the country, and from information received from the most reliable sources, I am convinced that by far the best track will be found to be from Memphis, or some other point below on the Mississippi, entering our State about the 32nd degree of north latitude, and pursuing that line to El Paso, or its neighborhood; thence in the direction of the head waters of the Gila river, and down the same by the most practicable route to San Diego on the Pacific. This is the route that nature indicates by features so apparent that neither party bias nor sectional interests can conceal them. Even in the most rigorous winters there would be no snows nor ice sufficient to delay or obstruct the progress of completing the road, or at any time to interrupt its regular communication, nearly the entire route; but particularly that portion between the Mississippi and the Rio Grande would pass through a mild and genial climate, over a country level, or gently undulating, and rich and beautiful as any on the North American Continent.

With the great advantages thus afforded her by nature, would it not be a species of madness on the part of Texas, to disregard her rich boon, and allow the opportunity to pass by without using every exertion to accomplish an enterprise more stupen-

dous in its results than any which has hitherto engaged the attention of mankind?

A railroad between the waters of the Atlantic and Pacific oceans, upon the track indicated, will go far to divert the commerce of the world from its ancient channels. The wealth of California, China and the Indies, instead of passing to Europe and the United States by long and hazardous voyages through the Indian and Pacific oceans, around Capes Horn and Good Hope, would pour in a ceaseless tide over this great national highway, passing through the entire breadth of our State, and be shipped to all parts of the commercial world from the great Atlantic and Gulf ports of our Union. Every State would be in some degree benefitted by its existence, but to Texas the advantages would be incalculable. Her public domain lying north and west of her present populated limits, now waste, and comparatively worthless, would, in a short period, be densely inhabited; the value of real estate throughout her whole length and breadth, would be vastly enhanced, and all the resources of the State, agricultural, commercial and mineral, be developed with wonderful rapidity. To specify one striking source of revenue of the many which the farming interests of the State would derive from the construction of this road, I will only mention that growing out of the production of wheat. It is well established, from successful experiment, that there is an extensive tract of country in our State, lying on both sides of the proposed route, admirably adapted to the cultivation of this, now to be ranked amongst one of the great staple productions; and in a latitude where this grain ripens from three to six weeks earlier than it does in other portions of the Union. It is therefore obvious that Texas could export a vast amount of flour in advance of any other quarter of the United States, and thus to the extent of her capacity to grow and manufacture this article, monopolise the wheat market of the United States and of Europe.

To secure the construction of this great work through the limits of our State, nothing more is wanting, in my opinion, than a liberal donation of our public domain to such a responsible company as may be able to give sufficient guaranties of their ability to commence and complete the same within a reasonable period. And to render the measure as little objectionable as possible, I would suggest that a certain portion of the stock of the company be divided into small shares, and that the privilege of subscribing for them be secured to the citizens of the State, to the exclusion of all others, for a limited period, say

for ninety days after the subscription books shall have been opened. Under such provisions, if our citizens should refuse, or fail to avail themselves of so liberal an opportunity, they could not afterwards complain of a monopoly by non-resident capitalists, who, I am sure, will not long underrate the advantages of the enterprize or the value of our lands.

After the survey of the several routes provided for by Congress shall have been made and reported on, a protracted and exciting discussion, engendered by sectional feelings and diverse views, will, no doubt, ensue, as to their respective advantages and disadvantages, and the constitutional right of the Government to construct the road. Before this controversy can be settled, if it be settled at all, I confidently believe that Texas, in co-operation with some of her sister States in the south and west, can furnish sufficient inducements to secure the immediate commencement of the work upon the route I have indicated, and command the great prize for which the northern, middle and southern sections are so eagerly contending.

Then to effect this inappreciable object, let your wisdom and energies be promptly directed. So far as the interests of our beloved State are involved, there is nothing sectional or local associated with this great work. Its benefits will be felt and acknowledged by all within its limits, and every branch of industry will be stimulated and encouraged. Should partial or sectional feelings be found to arise in your deliberations upon this subject, let me beseech you, as legislators for a great and growing State, to discard them, and let your actions be characterised by an enlightened patriotism and an enlarged and liberal policy.

In view of the fact that none of the proposed routes for the Pacific and Atlantic railway, whose survey has been directed by the General Congress, will cross this State, I would, therefore, strongly recommend that steps be taken, at an early day, to make a survey of such routes within this State as shall be deemed advisable; and that your Honorable Bodies make a suitable appropriation to cover the expenses connected with the surveys so directed to be made.

In recommending so earnestly as I have done this great work, I would not be regarded as overlooking other enterprises necessary to connect our Gulf coast with all proper points. For I regard the connection of the Gulf with the interior portions of the State and other parts of the Union, as secondary only in importance to the great connecting link between the Atlantic and Pacific oceans.

Already some twenty or more charters have been granted by the State Government for railroad purposes; and, so far as I am advised, with few exceptions beyond the one hereafter mentioned, they have been unattended with the practical results anticipated, notwithstanding the liberal inducements offered. Under the provisions of these different charters, about twenty millions of acres of the public domain have been conditionally appropriated. It is now quite certain that but two or three roads, at farthest, will be constructed under these charters, and yet this amount of public land is, for the time being, tied up, and rendered useless to the country, with the still more injurious tendency of delaying works of great public utility, by driving real capitalists from the field.

Consideration of these facts has convinced me that in our zeal for internal improvements, we have heretofore granted railroad charters too indiscriminately, and I may say improvidently.

I therefore recommend that no Railroad Company shall be incorporated except such as are clearly of primary importance to an extensive section of the State; and which would give the safest guarantee of its ability to faithfully comply with the terms of the charters.

Although the charters granted to them were liberal in their provisions, I regret to say they have, with some exceptions remained as a dead letter upon our statute book; and that the results have fallen far short of the expectations conceived at the time they were granted. It affords me pleasure, however, to be enabled to inform you that the 'Buffalo Bayou, Brazos and Colorado Company' have already completed the first twenty miles of their road. This section has been examined by a competent engineer, Rose, Esq., appointed for that purpose, and found to have been executed in accordance with the terms of the charter; and certificates for the amount of land to which the Company was entitled have been issued in their favor. It is understood that another section of this road is now in a forward state of progress. The Company has set an example of enterprise and public spirit worthy of the highest commendation, and it will doubtless have a stimulating effect upon like enterprises in our State. It is also understood that one or two other companies have portions of their roads under contract, or have given assurances that they would shortly be enabled to commence them.

While I would advise you to foster and encourage, by every legitimate and proper means, the railroad enterprises already,

or hereafter to be chartered, with the view of connecting the interior of our State with the Gulf coast, I wish you to understand, that the recommendation is confined solely to such roads as commence and terminate at judicious points; to such as will be of manifest utility, and for the completion of which the most satisfactory assurances may be given.

The whole subject of internal improvements now creating so deep an interest in every portion of the State, will doubtless be presented again for your consideration by my successor in office. His recent canvass of the State will have enabled him to ascertain the public sentiment in relation to it, which, aided by his own enlightened reflection and judgment, will, I am assured, result in wise suggestions and wholesome recommendations. I therefore submit the subject to your Honorable Bodies without entering further into its details.

In reference to Indian policy and the protection of the settlements on our western frontier, so much has been said in the several general and special messages that I have had the honor to address to the Legislature during my administration, that I feel it a work of supererogation to renew my appeal to your Honorable Bodies, and nothing but the imperious nature of the subject would induce me to make this, my final effort, in the hope that something may be devised, something may be done towards effectually relieving the General and State Governments from an incubus that has pressed upon them heavily for years, towards effectually securing the life and prosperity of the settler, the existence and pacific deportment of the Indians.

The system of military defence hitherto pursued by the General Government, though assisted by the strenuous efforts of the Indian Bureau at Washington City, has evidently been inadequate to the task of repressing Indian murders and depredations. The vast extent of country to be protected, the immediate contiguity of trackless wastes over which the feet of white men rarely if ever tread, the numerous fastnesses and places of retreat known only to the savage, the cunning of the Indian in all his offensive operations, the fleetness with which when pressed he can fly from his pursuer, his hardihood, and capability of enduring under extremes of starvation and fatigue, and the unsuitable nature of the military material that has been employed by the General Government to carry out their policy, must convince every thinking mind that no hope can be reasonably entertained of a change for the better until an alteration in the system has been effected, and additional means enjoyed to accomplish the end.

From time to time the attention of the Executive has been drawn to distressing appeals for succor and military aid by petitions numerous and most respectably signed, supported by affidavits of the deplorable situation in which the petitioners were placed; and this Department has anxiously, though thus far delusively, hoped to arrest their recurrence, by devising some means that would secure their defenceless situation from the marauding savage. Without means, the employment of Rangers was in most cases impracticable; and, although the responsibility of calling three companies of that class of troops into the service of the State, was found to be absolutely and unavoidably necessary to prevent the total destruction of the settlements on the Lower Rio Grande, still the peculiar situation of those on the Upper Rio Grande rendered it impossible to extend to them similar assistance, and they consequently have been, and still are suffering the lamentable results.

Of all the portions of the frontier that have needed military aid and protection, the county of El Paso stands foremost; and, strange to say, with the greatest necessities and the least justification, she has been the most neglected. When the rights of the State were jeopardized; when the most disastrous consequences would have inevitably ensued, had she not averted, by decisive action, the threatened blow; when all around her was anarchy, confusion and revolt, with the howl of the murderous savage and the groans of his dying victim incessantly ringing in her ears; she, regardless of her situation, forgetful of her wrongs, stood, as she now stands, true to her colors and her country, though spurned by the General Government, abandoned by the State, and neglected by all.

The principal embarrassment that the Indian Bureau appear to have felt in the conduct of her policy with regard to the Indians of Texas, has been the want of some suitable locality for them within the confines of the State. This matter was freely discussed in a recent conference with Major R. S. Neighbors, the United States Superintending Indian Agent for Texas; and he strongly urged the importance of some steps, on the part of this State, whereby such an arrangement could be effected. The Executive, coinciding with the opinion of the Agent, had in view the "Joint Resolution concerning Indian boundaries," approved February 16th, 1852, in which the Legislature had made provision, under certain restrictions, to meet this exigency; but the Department conceiving this resolution contemplated that the General Government would take the preliminary steps in the matter, and no official action there-

on at Washington City having reached the Department until the receipt of a communication from the Secretary of War, under date of the 19th ultimo, in reference to the subject, (a copy of which is transmitted herewith, marked A.) The Executive deemed it advisable to defer any movement in the matter until the meeting of your Honorable Bodies, for several cogent reasons; and, among them may be mentioned, the want of necessary knowledge of the Northwestern portion of the State, owing to its not having been surveyed, to enable him to make a proper and advantageous selection; and the great liability that any section under such circumstances would be found to conflict with private localities which have been so numerous made in that section since the passage of the Joint Resolution above referred to.

The Department having maturely considered the whole field that this important subject presents, and fully conscious of its bearing upon the growing interests of the State at home and abroad, would, therefore, recommend that your Honorable Bodies give the necessary authority to the General Government for the temporary occupation of a certain district of the State, as shall be deemed best adapted for that purpose, and which will not conflict with existing private claims, nor any contemplated route for the Pacific Railroad; designating the tract, or district, by metes and bounds; and, stipulating, that the district so occupied shall revert to the State so soon as the General Government shall be able to effect more permanent arrangements for the final disposition of the Indian tribes in Texas. Humanity loudly demands that something of this kind should be done as a provision for the poor Indian, who now has no other alternative left than to perish by famine or the sword; who, goaded to desperation at the loss of hunting grounds that furnished his forefathers with subsistence, and year after year driven further and further, by remorseless fate, from fertility to barrenness, feels that the existence of the white race sounds the knell of extinction to his own.

The report of the State Treasurer for the fiscal year ending Oct. 31, 1853, marked B, is submitted to your honorable bodies as a very satisfactory and lucid statement of the transactions of his office during that period, and the present situation of the Treasury, which contains the large amount of \$3,966,125 08, independent of \$80,285 27 belonging to the General School Fund, notwithstanding the heavy drafts that had been made upon it under appropriation by the former Legislature for the

construction of the State Capitol and other large public buildings.

The increasing amount of the General School Fund, so wisely established by the framers of the Constitution, is also a source of gratification; it will, doubtless, in the course of a few years, afford the means for the accomplishment of immense good in a judicious distribution for the education of the young. Every item in the Treasurer's Report is a matter of interest to your growing country, and the ability displayed by that officer in the discharge of his onerous duties deserves the highest commendation.

The able Report of the Commissioner of the General Land Office, herewith submitted, and marked C, lays before your Honorable Bodies, in a clear and comprehensive manner, the present condition and the future requirements of that important branch of the State Government; and having minutely examined its details and suggestions, I cannot too strongly urge the recommendation that steps be taken, by a proper increase of the clerical force of his office, to enable the Commissioner to keep pace with public expectation and his duties. Justice to such an efficient officer renders it necessary that he should be relieved; and I feel assured that the Legislature will, with pleasure, take early action on the subject.

Among other items relative to the landed interests of the State that this Report contains, I perceive that the estimated number of acres constituting the present residue of the public domain, after deducting every claim known to exist, is 102,740,301. This large body of unlocated land forms a valuable basis, upon which, by judicious management, the future welfare of the State can be securely founded.

Taking into consideration the rapid absorption of all the choice lands by private location, I would also recommend that an appropriation be made, at the present session, for the location and survey of the balance of the fifty leagues set apart for two Universities as an endowment by an act of the late Republic, in order that those institutions may reap the full benefit of the grant made to them under that wise and liberal enactment.

Transmitted herewith marked D, I have also the honor to lay before your Honorable Bodies the biennial Report of the Adjutant General, which, with its accompanying statements, contains a succinct and clear exhibit of the business of his office since the last regular meeting of the Legislature.

Taking into consideration the large number of outstanding claims against the State for land as a recompense for military

services rendered under the late Republic, as well as other important matters connected with the duties of the Adjutant General, and the very large collection of valuable archives pertaining to the War Department of the late Republic that are now in the charge of that officer, I would strongly recommend to your Honorable Bodies the continuation of that office, as an indispensable requisite for the proper discharge of the duties pertaining to it.

From the representation of Col. Gillet of the rapidly increasing business of his office, and the consequent necessity, I recommended him to employ the services of some efficient gentleman to assist him in the capacity of clerk; which the Colonel has done, and not only thereby accomplished much that could not otherwise have been effected, but rendered the State very valuable service in the arrangement of the voluminous papers under his charge. As no legislative provision has been made to meet the expenditure thereby incurred, I respectfully recommend an appropriation for that purpose, which shall be deemed by your Honorable Bodies, as sufficient to reimburse the Adjutant General for his outlay on that account, and to provide for the future services of his clerk, should it be considered advisable to continue them.

Among other suggestions submitted by the Adjutant General that appear to me important and worthy of consideration, is the recommendation for the repeal of that clause in the law governing the issue of land warrants for military services, that requires the countersignature of a field officer to captains' discharges of men who served under them. The reasons given in his Report seem so satisfactory, that I presume the Legislature will remove the bar, which, under the present law, entirely excludes many just and meritorious claims.

In reference to the continually increasing necessity for some provision for the proper storage of the arms furnished to the State by the United States, I will only draw the particular attention of your Honorable Bodies to that portion of the Adjutant General's Report relating to the subject, in order that such arrangements may be made in the premises as shall be deemed advisable.

The Report is interesting, and reflects the highest credit upon the discharge of the duties pertaining to the Adjutant General's office.

The Attorney General's Report not having been received, the Executive is unable to inform your Honorable Bodies of the

situation of the several suits, now pending in Judicial Courts, in which the State is an interested party.

As required by law, the Directors of the State Penitentiary have transmitted their biennial Report of the affairs of that institution which is herewith transmitted, marked E, No. 1 to 4.

This report, though in detail, and voluminous, will amply repay the labor of investigation, as it gives a flattering account of the present situation and future prospects of that invaluable institution. By the judicious management of the Directors, the Superintendent and the Agent, its fiscal affairs have materially improved, as it has not only recovered from its former embarrassment, but is represented as being able to meet every present contingency. It will, therefore, only require such an appropriation from your Honorable Bodies as shall be deemed sufficient to meet its current, though increasing expenses.

With a laudable anxiety for the advancement of the interests of the Penitentiary, and the desire that the State should, as far as practicable, be relieved from the burthen of its support, the Directors have renewed a suggestion, submitted in their former report, for the establishment of a cotton factory within its walls, which would employ all the convicts, and exclude mechanical pursuits; the reasons advanced by them in support of the change they propose to make in the Penitentiary are, that on the one hand the labor of the convict would not interfere with the mechanics of the country, and, consequently, that the spirit of the law in relation to the subject would be greatly benefitted in a fiscal point of view, as the institution could then be made to bear its own expenses, or, at least, realize a much larger revenue than under the present system.

In order to obtain some information in the matter and be the better able to judge of its advisability, I requested John S. Besser, Esq., the Agent of our Penitentiary, to visit those of Louisiana and Mississippi, where I understood they had established cotton factories; the result of his examination is given in his communication to this department of the 29th October last, which will be found accompanying, marked —.

Relative to the suggestion, after mature consideration of all its bearings, I can only recommend its partial adoption. The State Penitentiary was instituted as one of the adjuncts of the criminal code of the country, for the suppression of crime and the protection of the morals of society; and, to properly effect this, it appears to me that the reformation of the convict constitutes the only certain means whereby the object of its institution can be accomplished. From a close examination of the

causes of crimes, and the experience to be derived from similar establishments in our sister States and other parts of the world, it will be found, that nothing has had a more beneficial effect on the moral and physical health of their unfortunate inmates than the habitual and steady occupancy of some mechanical pursuit which would afford them the certain prospect of an honest and respectable livelihood when they emerged from the walls of their prison. All other considerations should give place to these, or the intention of such institutions will be defeated, and the State as well as the individual, in reality, are loser.

I will, therefore, only recommend that a cotton factory be established in the Penitentiary, which will employ half of the convict labor existing there, and the other half to be distributed in mechanical pursuits, under such regulations as may be deemed most advisable; it will then be found that the convicts will not sensibly interfere with, or affect the mechanical interests of the country, and that they will have the chance when they leave, of making themselves good and useful members of society.

I cannot close this notice of the Penitentiary without expressing my satisfaction at the very efficient manner in which its affairs have been conducted by the Superintendent and Agent, under the watchful supervision of the Board of Directors.

In connection with the Penitentiary, I deem it proper to notice a suggestion which has been made to me, viz: that in case of a conviction in the Federal Court of this State, for an offence against the laws of the United States, where the sentence was imprisonment to hard labor, such sentence could not be executed in our State Penitentiary without some Legislative enactment on the subject. I would, therefore, recommend the passage of a law granting the use of our Penitentiary for such convicts upon the same terms and conditions as are granted in other States for the like privilege.

Since my occupancy of the Executive chair, I have had occasion, in more communications than one, to call the attention of the Legislature to that important article of the Constitution which relates to the great cause of Education; and, in doing so, by all pertinent suggestions and appeals to impress upon that body the necessity of an early fulfilment of its first section, by setting on foot and maturing some practicable and liberal system of popular education. Upon this subject I shall feel that my duty to the State has been fully discharged, when, in following up a reference I had the honor to make in a com-

munication of the 10th of November, 1851, relative to the fifty leagues of land to be surveyed and set apart for the endowment of two Universities, I recommended, as I now do, a liberal appropriation of means for the establishment and maintenance of two Colleges, or Universities, to be located at such eligible points as may best subserve the interests and convenience of the two grand divisions of the State. Such appropriation to be employed in addition to that already set apart by the fourth section of an Act approved January 26th, 1839. This recommendation is made in the full confidence that the present is a highly favorable time for the commencement of these establishments, whether we consider the capability of the State to provide the necessary means for so wise a purpose, or the very best application of those means.

I should do violence to my own feelings, and omit an act of sheer justice to a worthy set of officers in the Judicial and Executive branches of the Government, if I failed to again urge upon the Legislature, at its present session, the immediate adoption of measures for an increased compensation to these gentlemen.

I am satisfied that a proposed amendment of the Constitution for an increase of the salaries of the Governor of the State, and the Judges of the Supreme and District Courts, would receive the cordial support of the people. These are public servants, selected by the people themselves on account of their supposed high mental and moral fitness to discharge the most sacred trusts; and such qualifications presuppose years of mental toil and discipline. The duties of the Judges, particularly of the Supreme Court, are continually increasing and becoming more onerous; especially since the branching of the Court, have their mental and physical labors been greatly augmented. Their personal expenses are in like manner increased; and it is from a thorough conviction of its justness, that I am now induced to urge upon the Legislature the propriety of adopting the earliest measures for their relief. In reference to the Executive, I am sustained in the suggestion which I now make, from the experience drawn from an official service of four years, and I assure you, in all candor, with a lean salary, and without the ability afforded by personal means, I have felt regret and deep humiliation from my inability to dispense those kindnesses and generous hospitalities to strangers visiting the Capitol, and to my fellow-citizens and friends, prompted alike by my own feelings so befitting the Executive head of every State, and called for by the precedents of most of the older members of the

Union. Alluding to the subject in a former message, I had the honor to state.

"The fifth section of the fifth article of the Constitution, which provides that the compensation of the Governor shall not be increased nor diminished during the term for which he shall have been elected, entirely relieves me from any feeling of delicacy, which otherwise would exist, in recommending, as I now do, an increase of the salaries of all the officers and their clerks, connected with the Executive Department of the State Government. My personal connection with the various officers for the last two years has enabled me to ascertain clearly the inadequacy of the existing salaries, and the consequent embarrassment, if not injustice, which results to the very intelligent and efficient individuals employed in them. I do not forget that it is my duty to regard, and as far as it is in my power, to encourage a just system of economy in every department of this government; nor can I forget the reciprocal obligation that always exists between the competent officer or agent employed in carrying on the government and the government itself; and I do not admit that it is a just, but consider it as a false economy on the part of a government which, with the capacity to do so, fails to protect its honest and capable public servants by providing such salaries and fees as will not only meet their necessary annual expenditures, but as will enable those who are provident and economical to guard against the ordinary accidents and vicissitudes of life.

"Our State, in its present position, possesses an ample field, and stands in need of all the talent and energy that can be brought to her assistance, in the conduct of all her affairs, to ensure her successful progress and continued prosperity; and no means will prove more conducive to the furtherance of this great end, than the establishment of such a system of remuneration, which, while at the same time just and equitable to the State and her officers and agents, will induce and secure the services of those who possess the largest share of energy and capability. The policy of the older States in reference to this matter, and which uniformly ensures a just and liberal equivalent for the services of faithful public servants, it appears to me, confirms the opinion I have expressed, and induces me to draw the favorable attention of your Honorable Body to the subject."

In pressing this recommendation as I most earnestly do, I adopt, with pleasure the language of Gov. Helm, of Kentucky, to the Legislature of that State: "I deny that it is either just

or proper to make the allowance to a public officer, barely sufficient to meet his necessary yearly expenditures. Men should employ the vigor of manhood in acquiring the means of support in advanced age. They must guard against penury and want when they are no longer able to labor. Wise men plant the tree in the days of their youth, that shall shelter and protect them on their road to the grave."

I freely record my testimony of the capability, efficiency and gentlemanly bearing of our officers. It is no undue compliment to say, that those at the head of Bureaus, and their assistants generally, are entitled to the award of having performed their laborious duties in the most faithful and enlightened manner.

Although in a probationary term as a State, and consequently without the confidence and experience which an older membership would give, I venture to introduce to your notice and for your consideration, a subject which, it seems to me from its very nature, addresses itself to our people and government as one for their especial patronage.

The genial nature of our climate, acting upon a soil of unsurpassed fertility, produces spontaneously the most abundant and luxurious grasses in every variety; and those of our citizens, even of limited means, who desire to make investments in the raising of live stock, possess every facility with very little expense in making the experiment. With the agriculturist it is different. But few can afford the cost of experiments or await their result. Texas unites, with her present populated limits, a climate and soil adapted to almost every staple cultivated in the Union. Sugar remunerates our planters largely in our coast counties, where water transportation is accessible and cheap. Cotton, which bears land carriage, is the great staple of the State; and experience proves that from the coast to Red River, every portion of the country may, if necessary, lean upon this single product; not only without dread of failure, but with the assurance of remunerating crops. Wheat for several years has been grown in the north-eastern section, and with an astonishing yield. Both quantity and weight are ascertained to be largely beyond the average of that culture in the older States. The early period of its maturity would give to Texas, if she possessed the necessary facilities for transportation, superior advantages to that of any portion of the United States. At a time when the grain of the commercial world was damaged and unsaleable, she could supply the deficiency, and thereby make this leading staple a source of unlimited wealth.

With the present extension of commerce, Texas wheat at our

Gulf ports, in May or June, would be in demand, not only in our home markets, but for those of Europe; and would command precedence over every other crop, until the Northern and Western States began, in July and August, to compete.

Although tobacco has not yet become a staple among us, its culture has been tested, and, to a limited extent, many intelligent citizens believe it would remunerate largely; and, besides supplying our own wants, and keeping our means in home circulation, the markets of Mexico would be ours, almost exclusively, from our proximity and the cheapness of land carriage among that people. Sisal hemp is believed to be well adapted to our climate, and its production would have a home market to foster it. Besides its uses for bagging and bale rope, throughout the South, it would furnish a valuable cordage for shipping and other purposes. Apart, however, from these, and various other products which our climate and soil are capable of yielding, the subject of fencing our vast and fertile prairies, has attracted the attention of some of our enterprising people.

A very large portion of our territory is without timber, and it is well known that this constitutes the body of our richest soils. Various substitutes for timber for fencing purposes have been suggested, and tested to a limited extent, but there are few of our citizens whose resources would justify the delay and cost of experiment.

In view then of its practical utility to a large mass of our citizens in testing the capacity of the different soils, and the products best adapted to each, I have no hesitation in suggesting an experimental farm, owned by the State, with a central locality, supported by annual appropriations, and conducted by an experienced and skillful farmer, whose duty it should be to publish, at stated periods, the result of all experiments made.

The subject is respectfully submitted.

I have thus, gentlemen, noticed some of the transactions of our State Government in as succinct a manner as I was able, consistently with their importance, and brought to your attention several topics of primary interest, worthy, in my estimation, of your careful consideration.

In a few days my official relation to the Legislature, as Governor of Texas, will cease, at which time the contingency anticipated in the twelfth section of the fifth article of the Constitution, and provided for therein, will have arisen, and the Lieutenant-Governor will then exercise the power and authority appertaining to the office of Governor, until the period ar-

rives for the installation of the Governor elect. As there are no formalities proscribed, or necessary, in withdrawing from the position, beyond a mere official notification of the fact, it is not probable that another occasion will present itself, to enable me to express to the people of Texas, through their Representatives, as I now desire you to do, the deep sense of gratitude I entertain, for the marked confidence and partiality they have on so many occasions manifested towards me, by entrusting to my charge, at critical periods, responsibilities and duties of the gravest and most interesting character. Our State, in its wide scope, has possessed, and now possesses varied and complex interests, which, in her public councils, have often given rise to diverse and conflicting views. In performing the multiplied labors devolving on me as her Chief Executive Magistrate, my course has been directed by no other motives than those for the public weal, merging personal considerations, and, as far as possible, sectional and local prejudices; with a sincere desire under an independent, faithful and fearless discharge of every duty, to advance the domestic and internal affairs of our State. How far I have succeeded in these efforts, can be best determined after a careful inquiry into the actual condition of the State at the period of my assuming Executive duties, and then looking to the greatly increased and still increasing happiness and prosperity with which we are surrounded. Let the parallel be fairly run and I cheerfully abide your decision and that of our common constituents.

It should be recollected by my fellow-citizens, in making an estimate of my humble public services, that their partiality transferred me directly from the camp to the cabinet. I responded to their call with no reluctance, but that growing out of a serious distrust of my abilities; and should I have failed (and I trust I have not) to fulfil their just expectations, they will, in the same generous confidence which they exercised in calling me to serve them, ascribe my faults not to neglect, or intentional error, but to the want of wisdom and experience. That I have committed errors, there is no doubt; and that I have failed in some particulars to press measures and to employ means best calculated for public advantage, there is quite as little; but I am sustained in the belief that no wrong or vicious motives are ascribed to me in any quarter, and I have great reason to believe that the mass of my fellow-citizens award to me the credit of having devoted my best powers and energies, under the limited authority I possessed, for the develop-

ment, as well as for the political and moral improvement which our State so much needed.

You, gentlemen, have before you a field for your labors, broad and favorable, almost without an example. The spirit of the age is progressive: and, as far as is consistent with prudence and sagacity, let it be encouraged; but banish, I beseech you, from your councils, all visionary and utopian schemes. Especially I invoke you to drive from your midst all selfish, sectional and ignoble feelings. If the age is progressive it should also be utilitarian. We have position and name, and we have means. Let the first be guarded, even with jealousy; and the latter employed with judgment and care.

It is your part to assist, under singularly felicitous circumstances in the erection of a noble superstructure upon a foundation that has been layed by the sacrifices of Patriots, most of whom have passed to their reward. When, therefore, you are in the progress of your official labors, have a respect for the past, and look with manly and philosophic calmness to the future.

I salute you, gentlemen, with respect and kindness, and when the time arrives for me to terminate my official relation with you, I shall do so with regret.

I sincerely trust that under the direction and support of a kind and overruling Providence, your deliberations may be characterised by harmony, prudence and foresight, and the result of your labors crowned with memorable success.

P. H. BELL.

On motion of Mr. Hart, the Senate returned to their chamber.

The time having arrived for the election of a President *pro tem.*, the Senate proceeded to ballot for said officer.

Senators Hart and Durst were appointed tellers.

There being no nominations, the ballot was taken, which resulted as follows:

Mr. Taylor received twelve votes, Mr. Jowers three, Mr. Scott eight, Mr. McDade one, Mr. Potter two, and Mr. Gage two.

No one Senator having received a majority of all the votes, the Senate proceeded to a second balloting; when Mr. Taylor received sixteen votes, Mr. Scott eight, Mr. Jowers three, and Mr. Gage one vote.

Mr. Taylor having received a majority of all the votes, was declared duly elected.

On motion of Mr. Gage, the Senate adjourned until half past two o'clock P. M.

HALF PAST 2 O'CLOCK, P. M.

Senate met—roll called—quorum present.

Mr. Allen offered the following resolution :

Resolved, That the committee on Printing and Contingent Expenses be instructed to contract for the printing of copies of the Governor's Message ; and such number of the accompanying documents as said committee may deem necessary for the use of the Senate.

On motion of Mr. Scott, the rule requiring resolutions to lay on the table one day, was suspended.

On motion of Mr. Kyle, the blank was filled with one thousand. The resolution was then adopted.

On motion of Mr. Kyle, Mr. Armstrong was added to the committee on Indian Affairs.

Mr. Doane moved that two hundred and fifty copies of the Governor's Message be printed in the German language, and 250 in the Spanish ; carried.

Mr. Holland introduced the following resolution :

Resolved, That the committee on Public Printing be instructed to contract for copies of the State Gazette and South Western American, during the present session, for the use of each member of the Senate.

Mr. Allen moved a suspension of the rule ; lost.

On motion of Mr. Taylor, the Senate took a recess until three o'clock.

Recess expired, the Senate was called to order and repaired to the Representative Hall for the purpose of electing a Public Printer.

IN JOINT SESSION.

The roll of both houses being called, and a quorum present, the Legislature proceeded to the election of a Public Printer.

Nominations being in order, Mr. Holland nominated Mr. J. W. Hampton ; Mr. Lott nominated Messrs. Ford & Walker.

Mr. Taylor was appointed teller on the part of the Senate.

The vote being taken *viva voce*, the following Senators voted for Mr. Hampton :

Messrs. Bryan, Burks, Gunn, Hart, Hill, Holland, McAnelly, McDade, Millican, Newman, Potter, Scarborough, Scott, Taylor and Weatherford—15.

The following Senators voted for Messrs. Ford & Walker :

Messrs. Allen, Armstrong, Doane, Durst, Edwards, Gage, Jowers, Kyle, Lott, Martin, Paschal, Sublett, Superviele and Whitaker—14.

On the part of the House, Mr. Hampton received fifty votes, and Messrs. Ford & Walker received thirty-one votes.

Mr. Hampton having received a majority of all the votes, was declared duly elected Public Printer.

The Senate returned to their chamber, and, on motion of Mr. Hart, adjourned until 9 o'clock to-morrow morning.

THURSDAY, November 10, 1853.

The Senate was called to order by the President pursuant to adjournment—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Lott presented the petition of sundry citizens of Smith, asking relief for Dr. D. P. Fowler, which was, on motion of Mr. Lott, referred to the committee on Finance.

Mr. Millican presented the petition of John Patrick, which was, on motion of Mr. Millican, referred to the committee on Private Land Claims.

Mr. Doane presented the petition of sundry citizens of Ysleta, asking relief; on motion of Mr. Doane, referred to the committee on Public Lands.

Mr. Potter introduced a bill for the relief of James McGloin; read first time.

Mr. Lott introduced a bill to incorporate the Grand Temple of Honor of the State of Texas, and subordinate Temples under its jurisdiction; read first time.

Mr. Lott introduced a joint resolution to provide for amending the 30th section of the general provisions of the Constitution; read first time.

Mr. Potter offered the following resolution:

Resolved, That the committee on State Affairs be requested to examine into the propriety of providing for a geological survey of the State, and report thereon, by bill or otherwise, at as early a day as practicable.

Mr. Hart offered the following resolution:

Resolved, By the Senate, that the Governor be requested to furnish the Senate with the report of the Commissioners and Superintendent of the Capitol, according to the 8th and 10th sections of an act to provide for the erection of a Capitol for the State of Texas.

Mr. Guinn offered the following resolution:

Resolved, That the committee on Printing and Contingent Expenses be instructed to make arrangements to pay the Post-